IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7437 OF 2005

Dr. Kiran Hiralal Shah ...Petitioner

Versus

The State of Maharashtra & Ors. ...

Respondents

Mr. A.R. Pitale for the Petitioner

Mr. P.I. Khemani, Assistant Government Pleader,
for Respondent No. 1.

CORAM: V.G. PALSHIKAR, Ag.C.J., &
D.B. BHOSALE, J.
DATE: NOVEMBER 19, 2005.

P.C.:-

1. By this petition, the petitioner, Dr. Kiran Hiralal Shah, a Medical Practitioner at Lonand, in Satara District, has prayed that this Court should exercise its extra-ordinary jurisdiction under Article 226 of the Constitution of India, calling for records of respondent No. 3 in relation to On-Line Lottery Game played for Jackpot of “Sikkim Thunder Ball” of 31st May, 2005, examine its legality and propriety and quash the result of that jackpot.

2. Article 226 does not contemplate any such remedy. This Court, exercising its extra-ordinary jurisdiction for such purpose, would be inducing itself to a ridicule not only in the eye of law but also in the eyes of people. It is contended that some irregularity is committed in the result of that jackpot, and except a writ, there is no remedy. Firstly, this submission is baseless, as a civil suit for a declaration that the jackpot held on 31st may, 2005 was illegal for reasons which may be available, and secondly, it is not a reason for which there must exist a remedy in law. An educated person like the petitioner has chosen to file a writ and claim exercise of such a jurisdiction for a purpose which is definitely not social. Looking to the stature of the petitioner, we dismiss this petition with costs of Rs.5,000/- (Rupees five thousand only).